

ORDINANCE NO. 2015-05

AN ORDINANCE OF THE CITY OF WYLIE, TEXAS REPEALING ORDINANCE 2005-76 (CLEAN FLEET VEHICLE POLICY); ADOPTING A NEW CLEAN FLEET POLICY; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the North Central Texas Council of Governments (NCTCOG) has been designated as the Metropolitan Planning Organization (MPO) for the Dallas-Fort Worth (DFW) Metropolitan Area by the Governor of Texas and in accordance with federal law; and,

WHEREAS, the Regional Transportation Council (RTC), comprised primarily of local elected officials, is the regional transportation policy body associated with NCTCOG and has been and continues to be the regional forum for cooperative decisions on transportation; and,

WHEREAS, NCTCOG has been designated as a Clean Cities Coalition for the DFW region by the US Department of Energy in accordance with federal law and the NCTCOG Executive Board authorized NCTCOG to serve as the host organization for the DFW Clean Cities (DFWCC) Coalition and its efforts; and,

WHEREAS, the U.S. Environmental Protection Agency (EPA) has designated the DFW area as a nonattainment area for the pollutant ozone, and air quality impacts the public health of the entire region; and,

WHEREAS, emissions inventories from the Texas Commission on Environmental Quality (TCEQ) indicate that in 2012, approximately 76 percent of the nitrogen oxides (NOX) emissions and 25 percent of the volatile organic compounds (VOC) emissions in the DFW ozone nonattainment area are attributable to mobile sources; and,

WHEREAS, the RTC is responsible for transportation conformity; and the Clean Air Act Amendments of 1990 require that transportation plans and improvement programs in air quality nonattainment areas conform to the adopted State Implementation Plan (SIP); and,

WHEREAS, the RTC has adopted a resolution supporting the adoption and implementation of a Clean Fleet Policy by organizations with fleet operations in the DFW area; and reserves all future vehicle funding for entities that adopt and comply with a policy consistent with the provisions outlined below,

WHEREAS, the City of Wylie will set goals and provide workable, cost-effective solutions to improve air quality and reduce petroleum consumption in the DFW area, and implement those measures as practicable.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS:

SECTION 1: The City of Wylie will reduce emissions from fleet activities by performing the following actions as practicable:

1.1 Implement an idle-reduction policy/standard operating procedure (SOP) that applies to all of the entity's vehicles and equipment, except where exempted as determined by the City of Wylie; communicate idle-reduction expectations to staff, vendors and visitors; and utilize idle-reduction technology.

1.2 Maximize use of vehicles and equipment with the lowest emissions wherever possible.

1.3 Ensure all conversions are EPA and/or California Air Resources Board (CARB) certified; ensure that aftermarket technologies are EPA and/or CARB verified, or are listed as an emerging technology by the EPA or a state environmental agency; and both conversions and aftermarket technologies are compatible with Texas Low Emission Diesel Program (TxLED) requirements.

1.4 Establish a plan to modify non-essential fleet activities on high ozone days to reduce air quality impacts.

1.5 Implement vehicle and equipment disposal strategies which minimize negative impacts on air quality.

1.6 Implement vehicle and equipment emissions inspection practices which meet or surpass the standards required by statute, including prompt resolution of any illuminated malfunction indicator lamp (MIL).

SECTION 2: The City of Wylie will reduce overall fuel consumption, particularly the use of conventional petroleum fuels, by performing the following actions as practicable:

2.1 Pursue low-emission vehicles and equipment for acquisition, with an emphasis on alternative fuel, advanced technology, and/or SmartwaySM certified vehicles and equipment.

2.2 Improve overall fleet fuel efficiency.

2.3 Establish practices to reduce vehicle miles traveled, passenger miles traveled, engine hours, and/or ton miles traveled, as appropriate.

SECTION 3: The City of Wylie will partner with the NCTCOG and DFWCC by performing the following actions as practicable:

3.1 Maintain membership and active participation in DFWCC and submit timely Clean Fleet Policy reporting.

3.2 Evaluate and consider participation in programs to test/commercialize/demonstrate new technologies to improve efficiency, reduce emissions, and/or increase fuel efficiency.

3.3 Pursue activities which support peer fleets' efforts to implement fuel- or emissions-reducing activities by sharing and maximizing resources.

3.4 Encourage fleet activities which minimize water, solid waste, or other environmental impacts of fleet activities, as appropriate.

SECTION 4: The City of Wylie will ensure drivers/operators and fleet personnel are familiar with air quality and petroleum reduction goals by performing the following actions as practicable:

4.1 Provide in-house training and/or attending training administered by NCTCOG for fleet personnel and other staff involved in fleet decisions to review policy elements and provide recommendations for achieving objectives.

4.2 Consider other mechanisms to increase understanding and awareness among fleet personnel and others.

SECTION 5: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

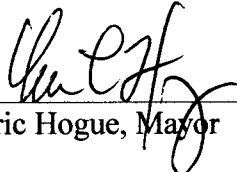
SECTION 6: Savings/Repealing Clause. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but any remaining portions of said ordinances shall remain in full force and effect.

SECTION 7: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Wylie hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.


The City of Wylie acknowledges that adoption of the Clean Fleet Policy, adoption of an idle reduction policy/SOP as outlined in section 1.1, submittal of both policies, and submittal of Clean Fleet Policy reporting is required to be eligible for future clean fleet funding from the RTC, and may be considered when determining other funding actions. The extent of Clean Fleet Policy implementation, as documented through reporting, will also be a factor in receiving DFWCC fleet recognition.

This policy shall be in effect immediately upon its adoption and replaces the prior Clean Fleet Vehicle Policy of the City of Wylie.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, on this 13th day of January, 2015.


Eric Hogue, Mayor

ATTESTED TO:


Carole Ehrlich, City Secretary



**RESOLUTION SUPPORTING THE CLEAN FLEET POLICY
R14-10**

WHEREAS, the North Central Texas Council of Governments (NCTCOG) is designated as the Metropolitan Planning Organization (MPO) for the Dallas-Fort Worth (DFW) Metropolitan Area by the Governor of Texas in accordance with federal law; and,

WHEREAS, the Regional Transportation Council (RTC), comprised primarily of local elected officials, is the regional transportation policy body associated with the NCTCOG, and has been and continues to be the regional forum for cooperative decisions on transportation; and,

WHEREAS, the Environmental Protection Agency (EPA) has designated the ten-county area of Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise Counties as moderate nonattainment under the 2008 8-hour National Ambient Air Quality Standard for the pollutant ozone, effective July 20, 2012; and EPA has proposed a more stringent revised ozone standard within a range of 65 to 70 parts per billion, which may require substantial additional emissions reductions; and,

WHEREAS, the RTC is responsible for air quality conformity; and the Clean Air Act Amendments of 1990 require that in air quality nonattainment areas transportation plans and improvement programs conform to the applicable air quality implementation plan; and,

WHEREAS, emissions inventories from the Texas Commission on Environmental Quality indicate that in 2012, approximately 76 percent of nitrogen oxides (NO_x) emissions and 25 percent of volatile organic compounds (VOC) emissions in the DFW ozone nonattainment area are attributable to mobile sources; and,

WHEREAS, the RTC approved the creation of a Clean Fleet Vehicle Policy on March 11, 2004 and adopted a resolution supporting a Clean Fleet Vehicle Policy on October 13, 2005; and,

WHEREAS, changes in vehicle technologies and continuing air quality concerns necessitate revisions to the existing Clean Fleet Vehicle Policy.

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

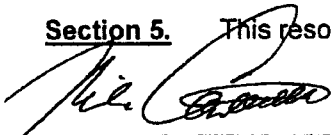
Section 1. The RTC endorses the Clean Fleet Policy included in Attachment 1 and recommends that organizations with fleet operations in the nonattainment area adopt a policy consistent with this document.

Section 2. The RTC reserves all future vehicle funding for organizations with fleet operations that adopt and comply with a policy consistent with the Clean Fleet Policy as shown in Attachment 1. This includes transit funds of all types, Congestion Mitigation and Air Quality Improvement Program funds, Surface Transportation Program-Metropolitan Mobility funds, other federal, State and local funds distributed at the discretion of the Regional Transportation Council, and support for third party funding opportunities.

Section 3. The RTC may consider Clean Fleet Policy adoption and compliance when considering other RTC funding actions.

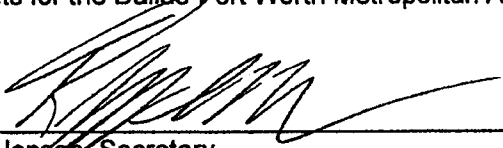
Section 4. This resolution will be transmitted to all impacted local governments and communicated to private sector organizations in the nonattainment area as appropriate.

Section 5. This resolution shall be in effect immediately upon its adoption.



Mike Cantrell, Chair
Regional Transportation Council
Commissioner, Dallas County

I hereby certify that this resolution was adopted by the Regional Transportation Council of the North Central Texas Council of Governments for the Dallas-Fort Worth Metropolitan Area on December 11, 2014.



Ron Jensen, Secretary
Regional Transportation Council
Mayor, City of Grand Prairie

ORDINANCE NO. 2005-76

**AN ORDINANCE OF THE CITY COUNCIL OF WYLIE, TEXAS
ADOPTING A CLEAN FLEET VEHICLE POLICY; PROVIDING FOR
THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING
A SEVERABILITY CLAUSE; AND PROVIDING FOR AN
EFFECTIVE DATE.**

WHEREAS, the Regional Transportation Council, comprised primarily of local elected officials, is the regional transportation policy body associated with the North Central Texas Council of Governments, and has been and continues to be a forum for cooperative decisions on transportation; and

WHEREAS, the Regional Transportation Council supports the adoption and implementation of a Clean Fleet Vehicle Policy by Resolution R05-07, which was adopted on October 13, 2005, and

WHEREAS, the Dallas-Fort Worth area is a federally designated non-attainment area for the pollutant ozone and air quality, which impacts the public health of the entire region; and

WHEREAS, the Regional Transportation Council is responsible for air quality conformity including the Clean Air Act Amendments of 1990 that require that, in air quality non-attainment areas, transportation plans and improvement programs conform to the applicable air quality implementation plan; and

WHEREAS, the City of Wylie wants to set achievable goals and provide workable, cost effective solutions to improve the Dallas-Fort Worth Metropolitan Area air, and implement those measures practicable to improve air quality.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS:

Section 1. Acquisition.

- 1.1 Vehicle acquisitions for fleet expansion or replacement of model year 2004 or newer shall be the newest model year or engine standard only.
- 1.2 Vehicle acquisitions to replace model year 2003 or older vehicles must show at least a 25% reduction in Nitrogen Oxides (NOx) emissions rate compared to the vehicle being replaced. (Waivers are possible when new technologies or achievements of the required emission reduction are not possible.)
- 1.3 Aftermarket technologies and conversions are acceptable for fleet expansion and fleet replacements.

1.3.1 Aftermarket technologies and conversions must be Environment Protection Agency (EPA) and/or CARB verified or certified or technology equivalent or better, as determined by the North Central Texas Council of Governments (NCTCOG) staff.

1.3.2 Conversions must comply with the provisions of EPA Memorandum 1A and Addendum Revision (June 25, 1974 and June 1, 1998).

Section 2. Operations.

- 2.1 Vehicle idling is allowed for safety, emergency response, vehicle maintenance, equipment activity, warm-up/ operations in cold temperature, and manufacturer recommended minimum idle/warm-up times.
- 2.2 Vehicles with the lowest NOx emissions that are capable of performing the requested operational demands will drive the most miles.
- 2.3 Fleet manager will abide by the latest refueling time/season guidance published by NCTCOG Air Quality Planning.
- 2.4 Non-emergency vehicles will drive no more than the posted speed limit and avoid rapid acceleration.
- 2.5 Subject to the City Council budgetary approval, all drivers will be trained on air quality appropriate operational requirements.

Section 3. Maintenance.

- 3.1 Perform annual emission and safety inspections for all vehicles, including vehicles with no state mandated inspection requirement.
- 3.2 All vehicles with over 100,000 miles must have emissions inspections every 25,000 miles thereafter.
- 3.3 Perform manufacturer's recommended maintenance.
- 3.4 Mandatory participation in any diesel or other Texas Commission on Environmental Quality or NCTCOG inspection/maintenance program, including applicable test or pilot programs.

Section 4. **Compliance Verification.**

- 4.1 The City of Wylie will provide NCTCOG with an annual electronic update of fleet size and activity in a format established by NCTCOG.
- 4.2 The City of Wylie acknowledges that entities not adopting and complying with the Clean Fleet Vehicle Policy and/or reporting requirements will not be eligible for future clean vehicle funding and RTC may assess City compliance when considering other RTC funding actions.

Section 5. That all ordinances of the City in conflict with the provisions of this ordinance are, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.


Section 6. Should any paragraph, sentence, subdivision, clause, phase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not affect the validity of the whole.

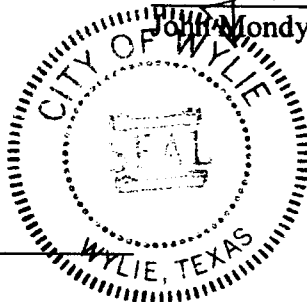
Section 7. This ordinance shall be in full force and effect from and after its adoption by the City Council and publication of its caption as the law and the City Charter provide in such cases.

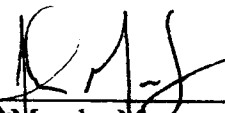
Section 8. This ordinance shall be in effect immediately upon its adoption.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS on this 6th day of December, 2005.

ATTEST:


Carole Ehrlich, City Secretary




John Mondy, Mayor